

## WAR CRIMES TRIAL OF SUBHAN

# Torture victim of '71 testifies at tribunal

STAFF CORRESPONDENT

A war crimes victim yesterday testified that Jamaat-e-Islami leader Abdus Subhan shot him after lining him and other detainees up at the premises of a school in Pabna during the Liberation War.

Three of his chest bones were broken in the shooting, Rustam Ali told the International Crimes Tribunal-2.

But that was not the end. Subhan also directed the Pakistani soldiers, who accompanied him in the incident on April 13, 1971, to charge him with bayonet, which left him senseless.

Subhan also shot a detainee dead and injured another, who was later killed by the Pakistani army and Biharis as he had tried to escape by running through the school field, he said.

"... I want his [Subhan] execution," Rustam, the fourth prosecution witness in Subhan's case, told the tribunal after identifying him in the dock.

The Jamaat naye-e-ameer faces nine charges, including genocide and murders committed in Pabna during the war. Subhan, however, pleaded not guilty before the court.

During his 50-minute testimony, Rustam, a resident of Juktitala village in Iswardi upazila of Pabna, said he had been working at the shop of Jayenuddin in Pakshi Bazar before 1971.

On the morning of April 13, 1971, Rustam, Joyenuddin and his son-in-law went to Saraghat village to collect some dues. While returning from the village, the trio had heard gunshots and noticed fire in Juktitala.

"Feeling scared, we hid ourselves in a bamboo bush behind one Maizuddin of Juktitala.

"But the accused [Subhan] saw us and he along with the Pakistan army and Biharis detained us and took us to Juktitala Jame Masjid," Rustam said.

He said he found Israil, his mother Tulu and his uncle on a Pakistani army truck there and later they [Rustam, Joyenuddin and his son-in-law] along with the trio were taken to Juktitala School by an army truck.

"Moulana Subhan was also in the truck," said the 65-year-old witness.

After reaching the school, he found Harisuddin, Ismail and another person there and all of them were asked to line up, said Rustam.

"In a bid to escape, Harisuddin and Ismail started running away from the line and then Subhan Moulana opened fire from his pistol.

"The shooting left Ismail dead on the spot while bullet-hit Haris fell down near a bamboo bridge," he said.

"But, the Pakistan army and Biharis shot him [Haris] dead on the orders of Moulana Subhan," Rustam said, adding: "Then, Subhan Moulana once again asked us to stand in a line."

"At one stage, Subhan Moulana fired two shots at me. One of the bullets hit me in the left hand and the other in the chest, leaving three broken bones. Then the Pakistan army charged bayonet on my jaws as per his [Subhan] direction and I became senseless," he said.

Rustam wept as he showed his injury marks to the court.

Rustam also said he regained his senses around 4:30pm and one Korban Ali of his village and some other people took him, bullet-hit Israil and Israil's mother to one Tariqul doctor in Ruppur village.

"Korban Ali told us, 'You were about to die unless you were brought here. All other detainees including

Joyenuddin and his son-in-law were killed."

Rustam said he later went to India for treatment and returned to Bangladesh three months before the end of the Liberation War.

Defence lawyer Shahjahan Kabir asked the witness a single question before the three-member tribunal led by Justice Obaidul Hassan with members Justice Md Mozibur Rahman Miah and Justice Md Shahinur Islam adjourned the proceedings until May 12.

Rustam will face cross-examination on that day.

### TRIBUNAL-1

Meanwhile, defence yesterday completed cross-examining two prosecution witnesses in the war crimes case against ATM Azharul Islam.

Defence counsel Abdus Sobhan Tarafdar examined the credibility of the statements of the siblings who testified about torture on them by the war crimes accused at the International Crimes Tribunal-1.

Azhar is facing six charges of murder, genocide and crimes against humanity committed during the Liberation War.

The defence counsel made suggestions that that the witnesses gave untrue statements against Azharul. Both the witnesses, however, denied the suggestions.

In their deposition, Rafiqul Hasan Nannu described how he was lashed by electric wires on the morning of December 1, 1971.

Rafiqul's younger brother Sakhawat Hossain Ranga said the war crimes accused had slapped him hard for chanting 'Joy Bangla' on a day of mid November.

Azhar had been produced at the dock. The proceedings of the case were adjourned till May 18.

## HC ORDER ON N'GANJ

# SC official faces music for not acting on time

STAFF CORRESPONDENT

The Supreme Court yesterday issued a show cause notice to one of its officials for not communicating a High Court order over the abduction and killing of seven people in Narayanganj to the government on time.

The SC registrar's office issued the notice asking Mohammad Hossain, a superintendent of the Criminal Miscellaneous Section, to explain in three days why he had delayed communicating the order to the respondents.

In a suo moto rule, the HC on May 5 ordered the government to form a seven-member committee headed by an additional secretary of the public administration ministry to probe the incident.

It also asked the government not to involve the Rapid Action Battalion in the investigation, but directed the elite force chief to conduct a departmental enquiry to find out whether any Rab personnel had been involved in the abductions and killings.

However, the order was not sent to the government officials until 2:30pm yesterday, SC Registrar AKM Shamsul Islam told The Daily Star.

The bench of Justice Md Rezaul Haque and Justice Gobinda Chandra Tagore also told the court officials concerned to pass the order to the government authorities through a special messenger immediately.

The respondents reportedly said they would execute the HC order after receiving its copy.

## Transaction

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driver were abducted around the same time on April 27 after they left the court area in Narayanganj by two cars. Six bodies, including those of Nazrul and Chandan, were found floating in the Shitalakkhya river three days later, and another the following day.

Narayanganj ward-4 Councillor Nur Hossain was made the prime accused in the murder case filed in connection with the incident.

Talking to The Daily Star, several bankers said the BB investigation would unearth who had paid the money to whom.

Contacted, K Shamshi Tabrez, managing director of Dutch-Bangla Bank, declined to say whether the bank authorities were looking into the matter that created a lot of sensation.

Shafiqul Alam, managing director of Jamuna Bank, said the bank was not aware of any transaction linked to the murders.

Wishing not to be named, another senior Jamuna Bank official, however, confirmed that an accused in the murder case had an FDR (fixed deposit) worth Tk 40 lakh, a savings account and a current account with Jamuna Bank's Rayerbagh branch and that a transaction took place from the savings account last month.

## Defence delaying

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been asking similar and irrelevant questions to the witness like 'Whether Kashfi prays regularly or not' and 'How many times he prays'," said Anupam Chakraborty, adding they are asking such questions to delay the judicial proceedings.

Himadri Majumdar Himu, an A-level student of Summerfield School and College, was brutally beaten, attacked by dogs which were unleashed upon him and then he was pushed off from the fourth floor of a building in Panchlaish of Chittagong on April 27, 2012.

Aside from Tipu and Shaon, the other accused are Junaid Ahmed Riad, Shahadat Hossain Shaju and Mahboob Ali Khan Danny.

## Why not bring

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directives. Deputy Attorney General Amatul Karim told The Daily Star that she would inform the HC about the government's move to bring the detainees back.

Meanwhile, Additional Home Secretary Shafiqul Islam yesterday said they had already sent a list of 103 confirmed Bangladeshi detainees to the foreign ministry on Tuesday.

"After completion of the police verification of 105 detainees, we have already confirmed 103 as Bangladeshis, while that of the rest will be confirmed gradually."

The Bangladesh Embassy in Thailand came to know about the detainees between last March and April this year.

An embassy official on Tuesday told The Daily Star that the figure of the Bangladeshi prisoners in Thailand might be around 600 who had been languishing there for the last six months.

The government will make arrangements to bring them back after the verification is completed, said a Bangladesh foreign ministry official.

## PADMA BRIDGE GRAFT CONSPIRACY

# ACC gets useful documents

STAFF CORRESPONDENT

The Anti-Corruption Commission has obtained some documents that would help advance the investigation of the alleged conspiracy of corruption in appointing Canadian firm SNC Lavalin as consultant for the \$2.9 billion Padma bridge project, the commission chief said yesterday.

"The ACC got some information using its own source," ACC Commissioner Mohammad Shahabuddin told some journalists at his office in the capital.

Three ex-officials of SNC Lavalin--Mohammad Ismail, Ramesh Shah and Kevin Wales, now standing trial in a Canadian court for corruption--allegedly tried to bribe Bangladesh

officials to help the consultancy firm get the supervision work of the World Bank-funded project.

Ramesh allegedly maintained a diary in which he wrote the names of several powerful people in Bangladesh and the amounts of bribe each would be given to get the job.

Shahabuddin said the document ACC obtained now would serve the purpose, for which Ramesh's diary was required. "Based on this document we can assess the truth or fallacy behind the conspiracy allegation."

The anti-graft commission has launched two investigations into the allegations of corruption after the World Bank drew its attention on the matter in October 2011.

## Dismissal proves

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this incident," BNP acting secretary general Mirza Fakhru Islam Alamgir said at a press conference at the party's Nayapaltn central office.

He alleged that the Sheikh Hasina-led government was using Rab, police and even BGB members for killings, abductions and forced disappearances of opposition men to stay in power illegally.

The BNP spokesperson said people could not any more keep faith in the law enforcement agencies involved in killing people brutally instead of protecting them.

"People across the country have raised the question of whether such kinds of law enforcement agencies are required. We support this sentiment," the BNP leader added.

Pointing to the gruesome killings in Narayanganj, Fakhru said the government should step down as it had failed to protect people's lives.

About the Rab probe committee on the Narayanganj incident, he said people had no confidence in the committee as Rab members themselves were involved in the killings.

Fakhru said the BNP would soon come up with a series of programmes to

free people from the fear of killings, abductions and forced disappearances.

Earlier, at a joint meeting of the BNP and its front organisations at Nayapaltn office, the party finalised a 14-day programme starting from May 27, including discussions and milad and doa mahfil, to mark the 33rd death anniversary of late president and BNP founder Ziaur Rahman.

### NO BNP RALLY IN N'GANJ

BNP insiders said party Chairperson Khaleda Zia is likely to visit Narayanganj on May 14 to express solidarity with the people of Narayanganj and to console the family members of the dead.

Taimur Alam Khandaker, president of Narayanganj district unit BNP, yesterday submitted an application to Narayanganj City Corporation (NCC), seeking its permission to hold a rally at Nitaiganj ground.

The NCC, however, said it would not give permission to the BNP to hold the rally.

"Considering the law and order in the city, we can't give permission to any major party for holding a rally here. Also, there is a hospital next to the rally ground. So the BNP can't organise the rally at Nitaiganj ground," NCC Mayor Selina Hayat Ivy told

## 3 dismissed Rab officials

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surveillance, said a close family member of Tareque.

Tareque held the position of lieutenant colonel in the army and is the son-in-law of Mofazzal Hossain Chowdhury Maya, minister for disaster management and relief.

Director General of Rab Mokhesur Rahman told The Daily Star yesterday, "Investigation is going on into the incident [killings]. If any former Rab officials are found guilty they will be punished as per existing laws of the country."

Talking to BBC Bangla Service, Prime Minister's Adviser HT Imam said the trio had been sent on forced retirement based on primary evidence.

The dismissal of the three Rab officers came at the directive of Prime Minister Sheikh Hasina, who also holds the defence portfolio. On Monday, the premier reiterated her commitment that culprits involved in the killings would be punished no matter how influential they were.

In a press release yesterday, Rab said anyone involved in the abduction and murder would be tried and punished. It said since the formation of the force in 2004, at least 1,949 Rab personnel had been penalised, including being fined, dismissed, and jailed for indiscipline and criminal activities.

Rab, police and a government probe body is investigating the abduction and murder separately.

## BNP gives new figure

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political identities of almost all the victims was distributed among reporters on CDs and in hard copies.

This was for the first time the BNP came up with any details of the victims.

Speaking at a programme at the Jatiya Press Club on April 28, Fakhru claimed that 310 opposition men were killed by Rab, police and AL cadres during the one-month period.

BNP Chairperson Khaleda Zia in February had claimed that 302 opposition men were killed and forced to disappear in 34 districts between December 26, 2013 and January 27, 2014.

Verifying the claim independently, The Daily Star found that 17 opposition activists were killed in nine districts in political violence during the period.

Earlier, this newspaper on several occasions had requested the BNP to provide it with the list of the victims. On March 19, this correspondent formally wrote to BNP Joint Secretary General Rizvi Ahmed seeking the list.

The BNP leader assured him that the list would be supplied to the newspaper once the upazila elections

were over in March.

### ANOMALIES IN LIST

Fakhru yesterday said there might be some anomalies in the list as collecting all the information related to the victims from across the country had been a tough task.

The information was collected through "field survey" by the BNP men, he added.

The list identified victim Hossain Ali as an opposition student leader in Satkhira. But Hossain's brother Hazrat Ali yesterday told this correspondent that his 14-year-old brother was not involved in any politics.

### BNP BRIEFS DIPLOMATS

A BNP delegation, led by Mirza Fakhru Islam Alamgir, yesterday exchanged views with foreign diplomats in Dhaka on the country's latest political situation at a restaurant in the capital's Gulshan.

Meeting sources said the BNP expressed concern about the present law and order and told the diplomats that there was no rule of law in the country.

At the meeting, the BNP provided the diplomats with CDs containing the list of victims.

## Jamaat leader

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officer-in-charge (OC) of Kaliganj Police Station, claimed that a police team raided Bhadrakhal Government Primary School around 1:00am, acting on a tip that a "gang of criminals" was holding a meeting on the school playground to plan criminal activities.

The "gang", sensing the presence of the law enforcers, opened fire and hurled several homemade bombs at the police. The law enforcers returned fire, triggering a "gunfight" between police and the "gang", the police official claimed.

Ashrafur received bullets during the "gunfight". The others managed to flee.

He was taken to Kaliganj Upazila

Health Complex where on-duty doctors pronounced him dead.

However, Moslem Uddin, ameer of the upazila unit Jamaat, and the wife of the deceased alleged that police had picked up Ashrafur at his house in Thekra village around 12:30am.

Later, the law enforcers shot him dead, taking him to the playground, they claimed.

Five policemen were slightly hurt in the "shootout", the OC said.

The OC said Ashrafur was an accused in two criminal cases.

Police have filed a case against 15 Jamaat activists, including Ashrafur, and 30-40 unnamed people in connection with "the attack on police".

## Cops probing, people sceptical

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Asked, Mahbubur Rahman, officer-in-charge of Narayanganj DB, said he was unaware of any relations between Awal and Hossain.

Awal received Hossain's blessing during his stint as sub-inspector in Siddhirganj, and maintained close links with the local AL leader even after his transfer to the DB office in Narayanganj, said a number of locals.

"Awal addresses Hossain as mama [uncle]," said a resident of Mijmiji area, asking not to be named.

Many locals said such close ties between the IO and the main accused would harm the police investigation.

Awal, however, claimed that he has no links with Hossain.

Contacted, the police officer said he first came to know Hossain on May 6 last year while he was investigating the deaths of Border Guard Bangladesh jawans in clashes with Hefajat-e Islam men in Siddhirganj. And he met Hossain as part of the investigation.

On Tuesday, three Rab officials were dismissed from the services for their alleged involvement in the abductions and killings after Nazrul's father-in-law Shahidul Islam alleged that some Rab members abducted and murdered Nazrul in exchange for Tk 6 crore.

The Rab officials are Lt Col Tareque Sayeed Mohammad, Maj Arif Hossain and Lt Commander SM Masud Rana. Tareque is son-in-law of Disaster Management and Relief Minister Mofazzal Hossain Chowdhury Maya.

None of the six accused in the murder case could be arrested even a week after six bodies, including that of Nazrul, were found floating in the Shitalakkhya river. Another body was

recovered from the river on May 1.

On April 27, Nazrul and his four aides, senior lawyer Chandan Sarker and his driver were abducted almost at the same time after they left the court area by two cars in Narayanganj.

### PROBE BODY FORMED

Complying with a High Court order, the government yesterday formed a seven-member committee to see whether Rab members or any other law enforcers were involved in the abductions and murders.

The probe body, headed by Additional Secretary to the public administration ministry Md Shahjahan Ali Mollah, will also investigate if there was any negligence on the part of the law enforcers in rescuing the victims, said Secretary to the ministry Kamal Abdul Naser Chowdhury.

The committee with two officials each from the public administration, law and home ministries will submit a progress report to the HC within a week.

However, the home ministry was yet to respond to the National Human Rights Commission's request to set up a three-member committee by yesterday to investigate the murders in Narayanganj.

In a letter to the ministry on Tuesday, the NHRC suggested making a retired judge the head of the probe body with a retired senior police officer and a prominent human rights activist as its members.

### VICTIMS WERE STRANGLED

All the seven victims were first hit in the head and then strangled with ropes, say their post-mortem reports.

The victims were killed 48 to 72 hours before the post-mortem, conducted between April 30 night and

the next morning, said Dulal Chandra Chowdhury, civil surgeon of General (Victoria) Hospital in Narayanganj.

All the victims were killed in the same manner, indicating that the killers were trained and professional.

The killers had cut the victims' bellies below the navel to make sure that the corpses did not float, said the report.

Dulal received the reports yesterday from Dr Asaduzzaman Miah, chief of the medical board that conducted the post-mortem.

Talking to journalists at his Secretariat office yesterday, State Minister for Home Asaduzzaman Khan Kamal claimed that there was satisfactory progress in the probe.

"The investigation in the murder case is at the final stage. We hope to disclose everything before the nation soon."

He said the main accused are holed up inside the country and will be arrested soon.

On the dismissal of three Rab officials for their alleged involvement in the abductions and killings, Kamal said whoever is found guilty will be punished.

Rab has many successes, and cannot be tainted because of anyone, he added.

In another development, police seized three firearms belonging to Hossain and his aides, raiding the houses of the ward councillor's followers in Siddhirganj.

Earlier, the licence of these firearms had been cancelled.

On Tuesday, police seized two shotguns in a raid on the houses of Hossain's elder brother Nur Uddin and his bodyguard Jamal.

as a mute spectator and has not been able to intervene in the issue and for its failure to remove the official...We have no option but to protest," he said.

MODI ON ILLEGAL BANGLADESHIS Sticking to what he said in his earlier meetings, Narendra Modi yesterday reiterated that illegal immigrants from Bangladesh would have to go back, reports The Times of India.

Speaking at an election rally in Krishnanagar of West Bengal, Modi said he would only try to honour the Supreme Court's observation that infiltration was an act of aggression on India. "What the Supreme Court said has to be implemented," he mentioned.

The BJP leader, however, then hastened to add that the case of refugees from Bangladesh was different and that it was the responsibility of all the states of India to rehabilitate them.

## BJP at odds with EC

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will be held on May 12 in the final phase of India's staggered parliamentary elections.

Demanding immediate removal of Varanasi Returning Officer Pranjal Yadav, senior BJP leader Arun Jaitley said he, along with his party leaders including Amit Shah, will hold a sit-in protest outside Banaras Hindu University as well as outside the Election Commission in Delhi.

Jaitley, who has been camping in the constituency of BJP's prime ministerial candidate Narendra Modi, made a veiled attack on the three-member Election Commission and said "when weak people sit in high positions, democracy is under threat."

However, the returning officer said permission has been given to Modi to hold his rally at an alternative site on the basis of an application given by a BJP leader.

He also said the other programmes of Modi, including the meeting with intellectuals and the 'Ganga pooja' have been granted permission. "They are deliberately making an issue out of it."

But Jaitley rejected his claim saying BJP has not made any request for an alternative site where only 2,000 persons can be accommodated. "We are not out of our mind to seek permission for a meeting of our PM candidate at a place which can accommodate only 2,000 persons," he said.

Jaitley spoke to Chief Election Commissioner VS Sampath and wrote three separate letters on the issue, demanding immediate removal of Yadav alleging a free and fair election is not possible in Varanasi if he continues in the post.

"We are totally disappointed with the Election Commission when it sits